

## HANOVER PLANNING BOARD



*JULY 10<sup>TH</sup>, 2006*

### MINUTES OF MEETING

At 6:45 P.M., the Chairman Peter Moll called to order the July 10, 2006 meeting of the Hanover Planning Board. Peter Moll, Rich Deluca, Brian Connolly, Maryann Brugnoli and Gary Hendershot were present. Associate members Steve Rusko and Bernie Campbell were also present. The Board reviewed the minutes of the June 19<sup>th</sup> 2006 meeting. Maryann motioned to accept the June 19<sup>th</sup> minutes as amended. Bernie seconded the motion and it was so voted unanimously.

### PUBLIC HEARINGS

#### **778-788 Washington Street – Adult Amusement- PB02-5SP**

At the applicant's request the hearing was continued. Maryann motioned to continue to September 11, 2006 at 7:00 p.m. Rich seconded the motion and it was so voted unanimously.

#### **McDonald's – 1392 Washington Street- PB06-23SP**

The Chairman opened the hearing at 7:05 p.m. Gary read the Public Hearing notice into record as well as a memo from Capt. Stone of the Fire Department. The Town Planner informed the Board that the applicant had been granted the requested variances from the Zoning Board of Appeals but that they were waiting for the written decision from them. Tom Evans, the Attorney for the applicant, informed the Board that the Board of Health had approved the proposed septic system at their June 19 meeting. John Kucich from Bohler Engineering went over the plans with the Board. The Town Planner then went over his comments and addressed any outstanding issues he had. They discussed the hours of operation with the applicant. The current restaurant is open 24 hours a day. They would like to continue with 24 hour operation with the restaurant seating being open from 5:00 A.M. until 1:00 A.M. and the drive-through open 24 hours a day. Peter suggested that the Board would discuss the hours with the Police Department. Dave Nyman from ENSR then went over his comments. He indicated that the applicant had addressed most of his comments but that he was concerned that the landscaping plans conform to the Zoning Bylaws. The applicant told the Board that they would conform to the Zoning Bylaw regulations and that they would be installing an irrigation system to water the landscaped areas. He also agreed to put a fence around the dumpster that would shield it completely. Dave then mentioned that the site currently flows to the adjacent property and he would like to have some verification that the drainage system on that property is working properly. Mr. Martin Sher, owner of the adjacent property to the north told the Board that he has never had any flooding or backup from the drainage system. Mr. Kucich gave the Board a copy of the operations and maintenance plan which would be posted at the site. The Board asked if they would include the emergency numbers for a spill response plan on the property. Mr. Kucich agreed to add those numbers. Brian then asked about the feasibility of installing sidewalks along route 53 at the front of the site. The applicant informed the Board that Route 53 was under the jurisdiction of the Mass Highway Department and they could not make any changes to it without the permission of Mass Highway. Rich then suggested having an opening with a walkway or stepping stones between the adjacent lots and the McDonald's property. The applicants agreed to leave an opening on the north and south sides of their lot to allow for pedestrian traffic. Maryann expressed some concern with the design of the outside of the building. She was unhappy with the colors and the signage on the building. Mr. Evans explained that they were the new color scheme that was being used at most of the new McDonalds being built now. Peter asked that they install an irrigation system and that it be a condition of the approval. Mr. Sher then asked the Board if there was any way they could ensure that his property which extends to the rear of the McDonald's site could be protected during the construction of the new building. He explained that his septic system and leaching field were located close

to the property line and he was concerned with the weight of the trucks. The Board agreed that the applicant would be required to install temporary fencing around the area to prevent the trucks from going over Mr. Sher's property. Mr. Sher also asked if the applicant could do a better job of picking up the litter from the back of the property. Maryann motioned to close the hearing with six (6) conditions. Rich seconded the motion and it was so voted unanimously.

### **Bank of America – 1764 Washington Street – PB06-26SP**

The Chairman opened the public hearing at 8:40 p.m. Gary Hendershot read the Public Hearing Notice into record along with memos from the Department of Public Works, the Board of Health and the Fire Department. Gary Davis, Project Manager for Trammell Crow and Keith Murray, of Waterman Designs, the engineer for the project, went over the plans. They presented the Board with the Order of Conditions. Peter then read a summary of a memo from the Design Review Board. Mr. Murray went over the Special Permits they are requesting and then went over the variances they had been granted by the Zoning Board of Appeals. He also explained that the property is being leased to Bank of America and the septic system is the responsibility of the owner. The Board of Health memo indicated that the septic system has failed and will have to be repaired or replaced before the property can be leased to a new tenant. The Town Planner then went over his comments. He indicated that most of his concerns had been addressed by the applicant. They discussed the fencing around the dumpster and the Board would like the dumpster to be screened completely with minimum 8' high fencing. The landscaping was discussed and Mr. Davis explained that for security purposes Bank of America requires the under plantings be no higher than three (3) feet and the branches of the upper story trees be no lower than six (6) feet. Brian asked the applicant if it was possible to loam and seed all the way to the curb. The applicant was agreeable to that. The Board then discussed the hours of operation. The Bank and Drive through window would be open Mon. – Wed. from 9:00 a.m. until 3:00 p.m. and Thurs. and Fri. from 9:00 a.m. until 5:00 p.m. and Saturday from 9:00 a.m. until 1:00 p.m. Dave Nyman of ENSR discussed some of his comments but felt that most of them were "housekeeping" issues. Brian then told the applicant that the dumpster on the property was being emptied during the middle of the night at around 3:00 a.m. He felt that that was an inconvenient time for the neighbors and asked if they would try to have the dumpster emptied at a better time. The Board then discussed the catch basin on the property. Dave Nyman said that he could not determine where it drained to. The applicant also said he was unsure but that he would do some further investigation to find out where it was draining to. Maryann asked about the width of the drive-through lanes. She felt that they may be too narrow. The Town Planner will do some research into the matter and get back to them with the information. Maryann motioned to continue the hearing until August 7, 2006 at 7:00 p.m. Rich seconded the motion and it was so voted unanimously.

### **SIGNING OF LOT RELEASES, FORM A'S, DECISIONS, AND BILLS**

The Board endorsed various invoices.

The Board discussed and then endorsed an ANR for 88 Center Street –PB06-28A. Gary motioned to endorse and Steve seconded the motion and it was so voted unanimously.

The Board endorsed a request for the return of Consultant Review fees for 88 Center Street Retreat Lot – PB06-19RL for \$6,000. Rich motioned to return the funds, Maryann seconded the motion and it was so voted unanimously.

The Board discussed a request from Brophy and Philips for an extension to the completion date for the Village of Walnut Creek PRDS. Maryann motioned to grant the extension to July 10, 2008. Gary seconded the motion and it was so voted unanimously.

The Board endorsed a request for the return of Consultant Review fees for Great Acres Estates Definitive Subdivision. Rich motioned to return the amount of \$1,161.82, Maryann seconded the motion and it was so voted unanimously.

### **OTHER BUSINESS**

At 8:00 p.m. the Board held an informal public meeting to discuss the recent article concerning the Community Centers at the Planned Residential Developments for Seniors. The Chairman gave a brief history of the article that was presented at Town Meeting in May, 2006. The Article was brought by petition and was not voted on at Town Meeting but was sent back to the Planning Board to do some more research on the subject. The article proposed a change to the Zoning Bylaw that would allow the Homeowner's Associations to rent the Community Center out to the public. The Bylaws currently state that the Community Center is for the use of the residents and their guests only. There were several residents of the PRDSs in the audience along with a few developers. The residents asked for clarification about the article and what kind of repercussions it might have for them. They then expressed their concerns about it. The Board explained that the change would simply allow the Homeowner's Association the option of renting the clubhouse. It would not make it mandatory that they do so. John Sargent, a resident of Spring Meadow made the point that the PRDSs have not been fully sold and therefore haven't fully established the Homeowner's Associations. He felt that the timing for such a Zoning Bylaw change may be too early and that it should wait until the PRDSs are fully established. In general the residents of the PRDSs present at the meeting were not in favor of the article. The Chairman told the audience that the article could be brought up again at the next Town Meeting and they should watch for the warrant. He also encouraged them to send their thoughts to the Board via mail or email. The Board told the residents that they would be notified if there was another public hearing or forum scheduled.

The Board set a date of August 7, 2006 at 7:45 p.m. for Site Plan Review/Special Permit hearing for 222 Webster Street.

The Board set a hearing date of August 7, 2006 at 8:30 p.m. for Limited Site Plan Review for Village Commons VPUD.

Maryann motioned to adjourn at 9:55 p.m. Bernie seconded the motion and it was so voted unanimously.

**Meeting was adjourned at 9:55 p.m.**

Respectfully Submitted,

Margaret Hoffman

**PLANNING BOARD SECRETARY**